

**PB# 96-24**

**L & M PROPERTIES, LLC**

**4-1-5.1 & 5.2**

Approved 4-22-97

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12553

## General Receipt

15917

Oct. 10 1996

Received from Arnoff North American \$ 100.00

One Hundred 00/100 DOLLARS

For P.B. # 96-24

DISTRIBUTION:

FUND	CODE	AMOUNT
CR # 5561		100.00

By Dorothy H. Hansen

Town Clerk  
TITLE

WILLIAMSON LAW BOOK CO., VICTOR, NY 14564

Wilson Jones • Carbonless • S1842-WCL Duplicate • S1844-WCL Triplicate

MADE IN U.S.A.  
© Wilson Jones, 1989

DATE October 10, 1996 RECEIPT NUMBER 96-24

RECEIVED FROM Arnoff Stewart Lewis

Address 1 Limer Road - Newburgh, N.Y. 12550

Seven Hundred Fifty 00/100 DOLLARS \$ 750.00

FOR Site Plan Escrow

ACCOUNT			HOW PAID		
BEGINNING BALANCE	750	00	CASH		
AMOUNT PAID	750	00	CHECK	#	006562
BALANCE DUE	-0-		MONEY ORDER		

P. Zappolo  
BY Myra M. Lewis, Secy for the P.B.

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12553

## General Receipt

16231

April 8 1997

Received from Arnoff \$ 100.00

One Hundred 00/100 DOLLARS

For Planning Board # 96-24

DISTRIBUTION:

FUND	CODE	AMOUNT
CR # 5975		100.00

By Dorothy H. Hansen

Town Clerk  
TITLE

WILLIAMSON LAW BOOK CO., VICTOR, NY 14564

Town Clerk  
TITLE

William Jones • Carbonless • S1842-4W-CL Duplicate • S1844-W-CL Triplicate

MADE IN U.S.A.  
© Williamson, 1986

DATE October 10, 1996 RECEIPT NUMBER 96-24  
RECEIVED FROM Arnoff Stewart Line  
Address 1 Limer Road - Newburgh, N.Y. 12550  
Seven Hundred Fifty 00/100 DOLLARS \$750.00  
FOR Site Plan Escrow

ACCOUNT		HOW PAID	
BEGINNING BALANCE	750.00	CASH	
AMOUNT PAID	750.00	CHECK	# 075562
BALANCE DUE	- 0 -	MONEY ORDER	

By P. Zappolo  
Maryanne Mason, Secy for the P.B.

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12553

# General Receipt

16231

April 8 1997

Received from Arnoff \$ 100.00  
One Hundred 00/100 DOLLARS

For Planning Board # 96-24

DISTRIBUTION:

FUND	CODE	AMOUNT
CR # 5975		100.00

By Dorothy H. Hansen

Town Clerk  
TITLE

copy 250.00

1855

INVOICE

TYPE

DATE

AMOUNT

DISCOUNT

PAID

BALANCE

1996

10/01/96

100.00

.00

100.00

.00



STEWART LINER TRANSPORTATION CORP. • 1 LINER ROAD • NEWBURGH, NY 12550

1861

10/03/96

5562

INVOICE

TYPE

DATE

AMOUNT

DISCOUN

PAID

BALANCE

10-1996

10/01/96

750.00

.00

750.00

.00

STEWART  
LINER

STEWART LINER TRANSPORTATION CORP. • 1 LINER ROAD • NEWBURGH, NY 12550

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 04/29/97

LISTING OF PLANNING BOARD ACTIONS

PAG

STAGE:

STATUS [Open,  
A [Disap,

FOR PROJECT NUMBER: 96-24

NAME: L&M PROPERTIES FORMERLY ARNOFF  
APPLICANT: L & M PROPERTIES, LLC

—DATE—	MEETING—PURPOSE—	ACTION—TAKEN—
04/22/97	PLANS STAMPED	APPROVED
02/12/97	P.B. APPEARANCE . ANDY KRIEGER TO REVIEW DEED FOR TWO LOTS TO BE COMBINED . THIS ISSUE IS TO BE SETTLED AT THE TIME OF C.O. WITH . BUILDING DEPT. NEED NOTE ON PLAN TO SHOW "PARK & FLY" . NOT VALID ANYMORE.	LA:ND APPR. COND
02/12/97	P.B. APPEARANCE CONT'T	WAIVED PUB. HEARING
02/05/97	WORK SESSION APPEARANCE	NEXT AGENDA
10/23/96	P.B. APPEARANCE	REFER TO ZBA
10/16/96	WORK SESSION APPEARANCE	SUBMIT
09/04/96	WORK SESSION APPEARANCE	REVISE & RETURN
09/04/96	WORK SESSION APPEARANCE	RETURN

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 04/08/97

PAGE: 1

LISTING OF PLANNING BOARD FEES  
ESCROW

FOR PROJECT NUMBER: 96-24

NAME: L&M PROPERTIES FORMERLY ARNOFF  
APPLICANT: L & M PROPERTIES, LLC

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
10/07/96	REC. CK. #005562	PAID		750.00	
10/23/96	P.B. ATTY FEE	CHG	35.00		
10/23/96	P.B. MINUTES	CHG	18.00		
02/12/97	P.B. ATTY. FEE	CHG	35.00		
02/12/97	P.B. MINUTES	CHG	40.50		
03/13/97	P.B. ENGINEER	CHG	250.00		
03/13/97	RET. TO APPLICANT	CHG	371.50		
		TOTAL:	750.00	750.00	0.00

L.R.

4/29/97



PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 03/13/97

PAGE: 1

LISTING OF PLANNING BOARD FEES  
ESCROW

FOR PROJECT NUMBER: 96-24

NAME: L&M PROPERTIES FORMERLY ARNOFF

APPLICANT: L & M PROPERTIES, LLC

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
10/07/96	REC. CK. #005562	PAID		750.00	
10/23/96	P.B. ATTY FEE	CHG	35.00		
10/23/96	P.B. MINUTES	CHG	18.00		
02/12/97	P.B. ATTY. FEE	CHG	35.00		
02/12/97	P.B. MINUTES	CHG	40.50		
03/13/97	P.B. ENGINEER	CHG	250.00		
03/13/97	RET. TO APPLICANT	CHG	371.50		
		TOTAL:	750.00	750.00	0.00

3/13/97

SITE PLAN FEES - TOWN OF NEW WINDSOR  
(INCLUDING SPECIAL PERMIT)

APPLICATION FEE:.....\$ 100.00 *Pl*

\*\*\*\*\*

ESCROW:

SITE PLANS (\$750.00 - \$2,000.00).....\$ *Pl*

MULTI-FAMILY SITE PLANS:

\_\_\_\_\_ UNITS @ \$100.00 PER UNIT (UP TO 40 UNITS).....\$ ~~\_\_\_\_\_~~

\_\_\_\_\_ UNITS @ \$25.00 PER UNIT (AFTER 40 UNITS).....\$ ~~\_\_\_\_\_~~

TOTAL ESCROW PAID:.....\$ ~~\_\_\_\_\_~~

\*\*\*\*\*

PLAN REVIEW FEE: (EXCEPT MULTI-FAMILY) \$ 100.00 <sup>①</sup>

PLAN REVIEW FEE (MULTI-FAMILY): A. ~~\$100.00~~  
PLUS \$25.00/UNIT B. ~~\_\_\_\_\_~~

TOTAL OF A & B: \$ ~~\_\_\_\_\_~~

RECREATION FEE: (MULTI-FAMILY)

\$500.00 PER UNIT

\_\_\_\_\_ @ \$500.00 EA. EQUALS: \$ ~~\_\_\_\_\_~~  
NUMBER OF UNITS

SITE IMPROVEMENT COST ESTIMATE: \$ \_\_\_\_\_

2% OF COST ESTIMATE \$ \_\_\_\_\_ EQUALS \$ ~~\_\_\_\_\_~~

TOTAL ESCROW PAID:.....\$ \_\_\_\_\_

TO BE DEDUCTED FROM ESCROW: \_\_\_\_\_

RETURN TO APPLICANT: \$ \_\_\_\_\_

ADDITIONAL DUE: \$ \_\_\_\_\_

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 02/12/97

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 96-24

NAME: L&M PROPERTIES FORMERLY ARNOFF

APPLICANT: L & M PROPERTIES, LLC

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG	10/07/96	MUNICIPAL HIGHWAY	10/11/96	APPROVED
ORIG	10/07/96	MUNICIPAL WATER	10/18/96	APPROVED
ORIG	10/07/96	MUNICIPAL SEWER	/ /	
ORIG	10/07/96	MUNICIPAL FIRE	10/23/96	APPROVED

In the Matter of the Application of

**L & M PROPERTIES, LLC**

**MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCES**

#97-3.

**WHEREAS, L&M PROPERTIES, LLC**, a corporation having an office located at 2 Liner Road, New Windsor, N. Y. 12553, has made application before the Zoning Board of Appeals for a 5 ft. side yard and 16.2 ft. maximum building height variance in order to construct an a 5,000 s.f. addition to the warehouse which is located on the north side of the existing 15,000 s.f. warehouse at the above location in a C zone; and

**WHEREAS**, a public hearing was held on the 27th day of January, 1997 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, William Hildreth, L. S. appeared before the Board on behalf of the Applicant; and

**WHEREAS**, there were no spectators appearing at the public hearing; and

**WHEREAS**, no one spoke in favor or in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property which is the subject of this Application is a commercial property located in a mixed neighborhood of commercial and residential, but a neighborhood which is predominantly commercial in nature.

(b) The property is located adjacent to Union Avenue, a well-travelled, four-lane thoroughfare.

(c) The variances are sought to permit the Applicant to construct an addition on the warehouse existing on the property.

(d) The use proposed by the Applicant is lawful and consistent with its present use.

(e) Even with the proposed construction, there will be sufficient access to the building to satisfy the Fire Inspector that fire trucks can fight any fires which may arise in the building.

(f) The space where the proposed addition is to be constructed is presently occupied by gravel.

(g) The proposed addition will not cause any significant run off, drainage or ponding.

(h) The proposed addition to the warehouse will be of the same appearance and construction as the present warehouse.

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variances requested are substantial in relation to the Town regulations but nevertheless is warranted due to the peculiar nature of the property and that the location of the existing structure will enhance rather than detract from the value of the property.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed for the reasons set forth in the paragraphs above.

6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variances are appropriate and are the minimum variances necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 02/12/97

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]  
0 [Disap, Appr]

FOR PROJECT NUMBER: 96-24

NAME: L&M PROPERTIES FORMERLY ARNOFF  
APPLICANT: L & M PROPERTIES, LLC

---DATE---	MEETING-PURPOSE-----	ACTION-TAKEN-----
02/05/97	WORK SESSION APPEARANCE	NEXT AGENDA
10/23/96	P.B. APPEARANCE	REFER TO ZBA
10/16/96	WORK SESSION APPEARANCE	SUBMIT
09/04/96	WORK SESSION APPEARANCE	REVISE & RETURN
09/04/96	WORK SESSION APPEARANCE	RETURN

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 10/23/96

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 96-24

NAME: L&M PROPERTIES FORMERLY ARNOFF  
APPLICANT: L & M PROPERTIES, LLC

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	10/07/96	EAF SUBMITTED	10/07/96	W/APPLICATION
ORIG	10/07/96	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	10/07/96	LEAD AGENCY DECLARED	/ /	
ORIG	10/07/96	REQUEST FOR INFORMATION	/ /	
ORIG	10/07/96	DECLARATION (POS/NEG)	/ /	

RESULTS OF P.B. MEETING

DATE: February 12, 1997

PROJECT NAME: L. M. Properties PROJECT NUMBER 96-24

\*\*\*\*\*

LEAD AGENCY:

\* NEGATIVE DEC:

M) LN S) LN VOTE: A 4 N 0

\* M) D S) LN VOTE: A 4 N 0

CARRIED: YES ✓ NO

\* CARRIED: YES: ✓ NO

\*\*\*\*\*

PUBLIC HEARING: M) LN S) LN VOTE: A 4 N 0

WAIVED: YES ✓ NO

SEND TO OR. CO. PLANNING: M)    S)    VOTE: A    N    YES    NO   

SEND TO DEPT. OF TRANSPORT: M)    S)    VOTE: A    N    YES    NO   

DISAPP: REFER TO Z.E.A.: M)    S)    VOTE: A    N    YES    NO   

RETURN TO WORK SHOP: YES    NO   

APPROVAL:

M)    S)    VOTE: A    N    APPROVED:   

M) LN S) D VOTE: A 4 N 0 APPR. CONDITIONALLY: 2-12-97

NEED NEW PLANS: YES    NO   

DISCUSSION/APPROVAL CONDITIONS:   

No Wetlands involved

Andy to review the deed for the two lots to be combined.  
(Andy has copy of the deed.) Lots to be combined to one lot.  
(To be settled at time of C.O. with Bldg. Dept.)

Note on plan to show "Park & Fly" is not valid anymore.

No Cost Estimate Necessary



REGULAR ITEMS:

L & M PROPERTIES SITE PLAN (96-24) LINER ROAD

Mr. William Hildreth appeared before the board for this proposal.

MR. HILDRETH: This is the Stewart Liner property located in the C zone. The application is for an addition of 5,000 square feet of storage space on the back of the, of an existing storage warehouse moving storage business. It was referred by the planning board in October to the ZBA for two variances, side yard and building height. Those variances were granted on the 27th of January and we're back before the planning board now after receiving those variances for final approval. Revisions to the plan since the last time you saw it are to the bulk table reflecting the variances granted and the last time we were here, we spoke about a fence along the eastern side that was to be replaced. It has since been replaced. We have located it and now plotted it properly on the map. It resulted in the loss of one trailer space which has been reflected in the parking calculations. That is it.

MR. LUCAS: Did you have a public hearing at the zoning board?

MR. HILDRETH: Yes, we did.

MR. LUCAS: Anybody show up?

MR. HILDRETH: No, seven notices sent, absolutely no response.

MR. PETRO: We have fire approval and 10/23/96 and highway approval on 10/11/96.

MR. LANDER: There were seven notices sent, do you know who they were sent to, Steak and Stein?

MR. HILDRETH: That is one of them. If you will bear with me, I can get the list and read them off to you.

MR. LANDER: Thank you.

MR. DUBALDI: Mark has two comments on the second page, number 5 and I think that they need to be addressed.

MR. HILDRETH: Yes, City of Newburgh, HRC, which is Days Inn, Banta Realty which is Steak and Stein, David Nunnally, which must be somebody within 500 feet, Ronsini and Talbot, which is an adjoiner, Hudson Valley Credit Union and Wal-Mart.

MR. LANDER: My point was Mr. Chairman that nobody showed up for that public hearing and we have all these commercial places around there, might have one residence across the street so I think we can waive the public hearing.

MR. LUCAS: Second it.

MR. PETRO: We have to do lead agency then, Ron, if you can make that motion again we'll take it right after lead agency.

MR. LUCAS: Motion we take lead agency under SEQRA process.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board take lead agency for the M & L Properties site plan. If not, roll call.

ROLL CALL

MR. DUBALDI	AYE
MR. LANDER	AYE
MR. LUCAS	AYE
MR. PETRO	AYE

MR. PETRO: Now, Ron, I think we're all in agreement with what you're saying.

MR. LANDER: Just one question, didn't we need a variance for the side yard on that proposed building?

MR. HILDRETH: Correct.

MR. LANDER: Is it on here? I see where a previous variance was granted 11/14/83.

MR. HILDRETH: That was for the original building and that was under a different zone, the zoning that was, just so you know, that variance had been granted in the past the zoning requirements change because of the change in the zone we still need this side yard for the additional.

MR. LANDER: Is it on here then?

MR. HILDRETH: Yes.

MR. BABCOCK: Side yard setback 30, 70, 29.5, 65.3.

MR. LANDER: I don't see it for, well--

MR. EDSALL: It's on the right side at the bottom.

MR. HILDRETH: I had a note that the variance was required.

MR. PETRO: Little tiny writing at the bottom.

MR. HILDRETH: This designates that the variance was granted.

MR. LANDER: For parking requirements.

MR. HILDRETH: Variance required for side yard, that is this application, even though previous variances were granted.

MR. LUCAS: These are all granted and then they were granted even though they were previously granted.

MR. HILDRETH: For previous construction, they are now granted the variances we needed for the new 5,000 square foot for that.

MR. LANDER: Okay, you cleared it up, I see 1983 so I didn't know whether they had--

**RETAKE  
OF  
PREVIOUS  
DOCUMENT**

MR. HILDRETH: Correct.

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MR. HILDRETH: For previous construction, they are now granted the variances we needed for the new 5,000 square foot for that.

MR. LANDER: Okay, you cleared it up, I see 1983 so I didn't know whether they had--

MR. PETRO: Plus we have it in the file, the actual--

MR. LANDER: Make a motion we waive public hearing.

MR. LUCAS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing under its discretionary judgment for the L & M Property site plan. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. DUBALDI	AYE
MR. LANDER	AYE
MR. LUCAS	AYE
MR. PETRO	AYE

MR. LUCAS: Mark, anything on this?

MR. PETRO: There's no wetlands around this or federal or state or anything like that, is there? I don't think there's anything that we need to be concerned about.

MR. HILDRETH: No, sir.

MR. PETRO: Across the street is the watershed but we're not creating anything here to really add to.

MR. LANDER: Right, everything here, everything is on this plan here, other than proposed addition is already there and they have been using that lot.

MR. HILDRETH: This addition will have no effect on what's there, just going to take away some parking which I have noted in the parking calculations.

MR. LANDER: We have a pavement section here, Bill, what does that have--

MR. HILDRETH: That is a carry over from the previous plan for, you know, if they were to put any pavement

down, I mean if it's a site plan requirement to show pavement sections.

MR. LUCAS: Pavement there now?

MR. HILDRETH: Yes, there is behind the particular building where the addition is going was shale and gravel, which is going to be maintained. The pavement is in the front and around the building, it's on the east side.

MR. LUCAS: That is where the rental office is?

MR. HILDRETH: That is correct, that is the car rental and that is also the office for the moving and storage place.

MR. LANDER: Bill, you're also going to combine both of these lots into one?

MR. HILDRETH: Okay, what has happened since the last time this was before the board as a site plan is that both of these tax lots that are shown here are now under one ownership. At the time that the last site plan was approved, one of the conditions was that once these two lots were under one ownership, that they would be combined. What they have done now is L & M Properties Inc. and I have given Mr. Krieger a copy of it, is that they have filed a new deed for one ownership with a combined description. I'm not too sure and Andy can talk about this, if that is going to suffice or if the owners now have to actually go to the assessor's office, fill out a combo form and combine the two tax lots and send it out to Orange County. In either case, it's not a problem, they have no intention of selling or separating the tax lots, I mean it's a, they need both lots to run the business, they are never going to be separate.

MR. LANDER: Andy?

MR. KRIEGER: Correct me if I am wrong, it's one deed with two descriptions?

MR. HILDRETH: Right, there's a parcel 1, parcel 2 and

combined all on one deed.

MR. KRIEGER: Since it's one deed, they can, the purpose of this requirement is simply to make sure that the parcels can't be separately deeded or sold if they are combined in one deed, the fact that there are two parcels in there doesn't make it salable as a separate parcel, there's one deed that means they have to deal with it as one legally.

MR. BABCOCK: Andy, do you know that they are separate tax lots?

MR. KRIEGER: Yes, that has to do with the taxing of it, that doesn't have to do with the selling of it. Doesn't matter whether they are separate tax lots or not for the purpose of selling.

MR. BABCOCK: I just wondered if you were aware of that.

MR. EDSALL: You mean that if he wanted to sell one of the two parcels in that deed they couldn't do so without coming back to the planning board?

MR. KRIEGER: That is correct.

MR. EDSALL: Well, it's already two lots, it's two parcels on a deed.

MR. KRIEGER: That is true but they can't sell just one of them, they have evidenced a desire to combine them as one for the purpose of sale once they have done that it will be treated as one.

MR. HILDRETH: For purposes of making this more palatable for everybody, I have spoken with Richard Arnoff and he has no problem actually combining them and making the assessor's office assign one tax lot number to it, as long as it has no detrimental effect on him tax wise which I don't see where it would, I don't think it would make any difference so--

MR. LANDER: I think it would make it a lot clearer if it was just one.



MR. HILDRETH: I think he is going to do it anyway.

MR. KRIEGER: Certainly that would evidence his intent to treat it as one parcel.

MR. HILDRETH: I will tell him to go ahead and do it.

MR. KRIEGER: That would remove any ambiguity.

MR. PETRO: Also the note about the park and fly, Bill?

MR. HILDRETH: That is not a problem, I had told you before that the park and fly that was part of the previous approval was now gone but there's nothing on the plan that says so and if you need a little note.

MR. EDSALL: I apologize for not bringing it up at the work shop, usually when you pull out a plan that is, when you're looking to see what uses are approved, I thought it would be easier if there's a note on the plan.

MR. PETRO: Subject to.

MR. LANDER: Yes.

MR. PETRO: That will have to be done before it's signed Bill.

MR. HILDRETH: I will make the plan changes, I don't know how quickly the owner can proceed with the combo form and I don't know how quickly the Orange County tax office is going to respond to that.

MR. BABCOCK: As long as you say you're doing it, I think that is sufficient.

MR. HILDRETH: They have got to get a building permit and a C.O. If you want to tag it on to the C.O. that gives everybody plenty of time.

MR. BABCOCK: Fine.

MR. PETRO: It will not be a subject to, just the note

about the park and fly. We have to do number four gentlemen.

MR. DUBALDI: Make a motion we declare negative dec under the SEQRA process.

MR. LANDER: Second it.

MR. PETRO: Motion has made and seconded that the New Windsor Planning Board declare negative dec for the L & M Property site plan. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. DUBALDI	AYE
MR. LANDER	AYE
MR. LUCAS	AYE
MR. PETRO	AYE

MR. DUBALDI: What about Mark's comment 5B about the previously approved park and fly?

MR. HILDRETH: I'm going to put a note on the plan when they come in for stamping, it will be the last note park and fly is gone.

MR. PETRO: We have seen this a number of times, it's been to the zoning board, you went to the zoning board without a problem, no one showed up at the zoning board for a public hearing, that is why we waived it. Is there any outstanding issues we want to discuss? If not, entertain a motion.

MR. LUCAS: Make a motion we approve the application of L & M Properties site plan subject to park and fly note.

MR. DUBALDI: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board approve L & M Property site plan, subject to the park and fly use being terminated as a part of this application which he will add a note stating as such. Is there any further discussion? If

February 12, 1997

13

not, roll call.

ROLL CALL

MR. DUBALDI	AYE
MR. LANDER	AYE
MR. LUCAS	AYE
MR. PETRO	AYE



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

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(717) 296-2765

**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS**

**REVIEW NAME:** L & M PROPERTY SITE PLAN  
(FORMERLY ARNOFF)  
**PROJECT LOCATION:** 1 LINER ROAD (AT UNION AVENUE)  
SECTION 4-BLOCK 1-LOTS 5.1 AND 5.2  
**PROJECT NUMBER:** 96-24  
**DATE:** 12 FEBRUARY 1997  
**DESCRIPTION:** THE APPLICATION PROPOSES A 5,000 SQUARE FOOT +/-  
WAREHOUSE ADDITION TO AN EXISTING BUILDING ON  
THE WEST PROPERTY. THE PLAN WAS PREVIOUSLY  
REVIEWED AT THE 23 OCTOBER 1996 PLANNING BOARD  
MEETING.

1. At the October Planning Board meeting, the Planning Board referred this application to the Zoning Board of Appeals for necessary variances. It is my understanding that the Applicant received the necessary variances on 27 January 1997. A copy of the Zoning Board's decision should be on file in the Planning Board records.
2. The Planning Board may wish to assume the position of **Lead Agency** under the SEQRA process.
3. The Planning Board should determine, for the record, if a **Public Hearing** will be necessary for his **Site Plan**, per its discretionary judgement under Paragraph 48-19.C of the Town Zoning Local Law.
4. The Planning Board may wish to make a **determination** regarding the type action this project should be classified under SEQRA and make a determination regarding environmental significance.

**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS  
PAGE 2**

**REVIEW NAME:** L & M PROPERTY SITE PLAN  
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5. Two (2) outstanding issues which I believe the Board should discuss with the Applicant are as follows:
- a. The two (2) tax lots should be properly combined into a single parcel and single tax lot.
  - b. The plan should include a note indicating that the previously approved "park and fly" use is being terminated as part of this application.
6. Other than the above items, I am aware of no outstanding issues with regard to this application.

Respectfully submitted,



Mark J. Edsall, P.E.  
Planning Board Engineer

MJEmk

A:L&M.mk

L & M PROPERTIES, INC.

William Hildreth appeared before the board for this proposal.

MR. KRIEGER: Let the record reflect that there is no one present in the audience who is interested in this project.

MR. TORLEY: How many letters did you send out, Pat?

MS. BARNHART: It was 7.

MR. REIS: No responses back?

MS. BARNHART: No.

MR. HILDRETH: No.

MR. NUGENT: Okay.

MR. HILDRETH: Very quickly, I want to jump ahead of myself and when you were reading that, I'm sure you just misspoke, side yard is a half a foot, not five feet, I'm sure you misspoke, I just wanted to make sure that you have that. This property very quickly is the Stewart Liner property. It has changed corporate names but it's still doing business as Stewart Liner. It's located on Liner Road in a C zone. The application is for a 5,000 square foot addition on the north side of the rear of the existing 15,000 square foot warehouse. This is going to require a side yard and a building height variance for office shop and the location of the existing building we're going to come out an even 50 feet which from a construction standard point and dimensional standpoint makes sense. And that is going to put us a half a foot too close to the side line to angle the building to change dimensions to do something different from a construction standpoint is a great practical difficulty. And of course, the building height variance request is a function of how far off the side yard you are plus the height requirement, I believe of what is it, 17 foot per four inches or--

MR. NUGENT: Four inches per foot.

MR. HILDRETH: In any event, the building height is going to be the same, it's going to match the building that is there, they are just making it basically 50 feet longer. Everything else from a bulk standpoint is met or exceeded on this site so those are the only two variances required. One other question that was brought up or mentioned at the last meeting was the sign, the sign is not going to change, they are still doing business as Stewart Liner and the permit's in place for that.

MR. KRIEGER: The extension on the building is designed to be right in line with the present building?

MR. HILDRETH: That is correct.

MR. KRIEGER: It will look entirely consistent?

MR. HILDRETH: Construction of roof line--

MR. KANE: Additional construction is not going to create any runoff, any safety hazards?

MR. HILDRETH: No, the site is very well drained as it is, this is not going to change anything other than requiring restructuring of the parking, they park right where this building is going to be but there's plenty of room for parking, Planning Board's already looked at this.

MR. REIS: Is it going to be asphalt behind and on the side of the property?

MR. HILDRETH: Yes, well, no, behind this is going to be gravel, that is part of the way drainage is handled here because it is such a flat site rather than have anything sheet off on blacktop, it's gravel, the front of the building is blacktop.

MR. REIS: The north side where the addition is going to go is gravel?

MR. HILDRETH: The south, the approach from Liner Road

and going into the site is blacktopped, it's only the rear where they park the trailers, moving vans that sort of thing that is shale.

MR. REIS: Side of the building that you are asking for the variance that is also gravel?

MR. HILDRETH: Correct.

MR. KRIEGER: And it's gravel now?

MR. HILDRETH: Correct.

MR. KRIEGER: This will be built over the top of what's gravel but there will be more gravel behind it?

MR. HILDRETH: Yes.

MR. TORLEY: The fire inspector has no problems with this?

MR. BABCOCK: He approved it on 10/23/96.

MR. REIS: Motion?

MR. NUGENT: Yes.

MR. REIS: I make a motion that we grant L & M Properties requested variances.

MR. TORLEY: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. REIS: Move we adjourn.

MR. TORLEY: Second it.

ROLL CALL



January 21 1997

45

MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

Respectfully Submitted By:

*Frances Roth 2/11/97*

Frances Roth  
Stenographer



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

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**PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE**

96-24

TOWN/VILLAGE OF New Windsor

P/B # \_\_\_\_\_

WORK SESSION DATE: 5 Feb 97

APPLICANT RESUB.  
REQUIRED: No New Plans

REAPPEARANCE AT W/S REQUESTED: No

PROJECT NAME: CEM

PROJECT STATUS: NEW \_\_\_\_\_ OLD X

REPRESENTATIVE PRESENT: WPH

MUNIC REPS PRESENT: BLDG INSP. around  
FIRE INSP. X  
ENGINEER X  
PLANNER \_\_\_\_\_  
P/B CHMN. \_\_\_\_\_  
OTHER (Specify) \_\_\_\_\_

**ITEMS TO BE ADDRESSED ON RESUBMITTAL:**

- Get variances shown on plan (OK)
- show rebar fence (OK)

AKriegs has deed re combined lots.

Put on 2/12  
agenda  
plan on way

L & M PROPERTIES, INC.

William Hildreth, L.S. appeared before the board for this proposal.

MR. NUGENT: Referred by Planning Board for 0.5 ft. side yard and 16.2 ft. maximum building height to construct an addition to warehouse (Stewart Liner) located on Liner Road in a C zone.

MR. HILDRETH: Yes, I have got plans if you need them. Okay, the applicant owns the property, it's a name change, it's Stewart Liner's property out on Union Avenue, everybody knows where it is, they just changed the name. What they want to do is add 5,000 square feet of warehouse space to the rear of their existing warehouse building. Strictly for warehouse, just make more room to put stuff. In order to do that and it's a very even dimension 50 by 100, the side yard comes out to be 29.35 feet and required is 30, so we need a half foot variance there and of course the building height requirement in this zone is a bit odd, it's only four inches to a foot which would only allow for a ten foot high building at 30 feet at 29.5, only allows for 9.8 foot high building, building is going to be as high as the other going to look like and extend to the building so we need a building height variance of 16.2 feet. This property or this business has been here since it was an OLI zone and for the construction of these buildings, these same variances were granted under the OLI zone, at the time, they were granted side yard and rear yard or excuse me, side yard and building height requirements in addition to a couple of other variances that of course still stand. The practical difficulty L & M Properties is stuck with the size and shape property, they don't own any adjoining property and of course the building and the improvements are already there. Very early on in this process when they came to me, I suggested to them that they try to investigate putting the warehouse in at a bit of an angle instead of straight back to avoid the side yard variance requirement cause it was so small and the cost of doing so, plus the fact that it would not eliminate the need for the building height variance anyway, they decided to go with this. So it's just expansion of an existing

use, it's 5,000 square feet of additional warehouse space, requires side yard and building height variance.

MR. KRIEGER: Now, if granted, would the building height be any higher than the existing building?

MR. HILDRETH: No.

MR. KRIEGER: Just to bring it up to--

MR. HILDRETH: Right, it's going to match what's there, yes.

MR. REIS: This is not going to impact the lack of parking.

MR. HILDRETH: No, in fact I meant to say that I'm very glad you brought it up, we still more than comply with all the parking requirements needed for this use in addition to the Thrifty Car Rental use which is there as well.

MR. NUGENT: Any other questions?

MR. REIS: Cause any runoff problem?

MR. HILDRETH: No, where this is going is in an existing parking lot so it's all ready to be built on.

MR. KANE: Any line of sight problems for any neighbors?

MR. HILDRETH: No, behind this is part of Wal-Mart and right next to it is an ongoing, what's that going to be, a bank?

MR. BABCOCK: Yes.

MR. HILDRETH: And that is under construction at the moment but that is clear across the site and there's another building in between and to my knowledge, the property next door that is Ruscino and Talbert, is that vacant?

MR. BABCOCK: Yes.

MR. TORLEY: Problems as far as fire access, et cetera, we need 25 feet to get a truck through?

MR. BABCOCK: I might have something here, I have Bob Rogers has reviewed this plan on October 11, 1996 and says that this plan is acceptable.

MR. REIS: Accept a motion?

MR. NUGENT: Yes, please.

MR. REIS: I make a motion we set L & M Properties up for a public hearing for their requested variances.

MR. KANE: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. HILDRETH: You already gave it to me, I have a number, my forms are filled out, I will see you tomorrow.

MS. BARNHART: Tomorrow afternoon please.

MR. KRIEGER: Do you need another piece of paper.

MR. HILDRETH: I have got my assessor's list already I have got the envelopes addressed.

MR. NUGENT: We're going to keep one of the maps.

MS. BARNHART: Are they changing the name of it? Stewart Liner, are they changing the name?

MR. HILDRETH: I'm going to fill it out under L & M Properties.

MS. BARNHART: I'm just suggesting if you want to change the sign, you might want to think about that

before you made your application.

MR. HILDRETH: As long as they don't change the size of the sign, it doesn't matter.

MR. KRIEGER: Doesn't matter.

MR. HILDRETH: I should ask them what they are going to do about that. Good idea.

MS. BARNHART: If they are not going to operate under Stewart Liner.

MR. HILDRETH: This just may have been an internal change.

MR. BABCOCK: Might be Stewart Liner, just different owner.

MR. TORLEY: Different corporate entity, does he need a new proxy?

MR. KRIEGER: If he's making the application under L & M, L & M owns the property.

MR. HILDRETH: I have got the proxy already.

MR. KRIEGER: So it doesn't matter, he will need a proxy for himself being as a corporation cannot actually appear.

MR. BABCOCK: We have that stuff on file with the planning board, Mr. Chairman, if you want copies of it, we can forward it.

MR. NUGENT: As long as you have it.

MR. HILDRETH: That is part of the ZBA application anyway. Thank you.

**ZONING BOARD OF APPEALS**

**Regular Session**

**January 27, 1997**

**REVISED AGENDA:**

**7:30 p.m.- ROLL CALL**

**Motion to accept minutes of the 1/13/97 meeting as written.**

**PRELIMINARY MEETING:**

- ET UP  
OK P/H
- NEED COPY OF DISAPPROVAL PACK FROM PAT
1. V.G.R. ASSOCS./POUGHKEEPSIE SAVINGS BANK - Request for variance for additional facade sign in variation of Sec. 48-18H(1)(b)[1] of the Supp. Sign Regulations, for bank located at Price Choppers Supermarket in Vails Gate in a C zone. (69-1-6).
  - T UP  
OK P/H
  2. PIETRZAK, FRANK - Referred by P.B. Request for: Lot #1: 2,368 s.f. lot area and 42.74 ft. lot width variances and Lot #2: 24,912 s.f. lot area, 4.16 ft. lot width and 6.5 ft. max. bldg. height variances for lot line change on property located at 7 Steele Rd. in a PI zone. (4-1-33.1).
  - T UP  
OK P/H
  3. PIZZO, JOHN - Referred by P. B. for 27% developmental coverage to construct office building on n/s Rt. 300 adjacent to J&H Smith Lighting in P.O. zone. Present: Paul V. Cuomo, P.E. (4-1-11.1)
  - ET UP  
OK P/H
  4. AF&F/CIANCIO-Request for use variance for a non-public school in a P.L zone to be located on Plympton Street (American Felt & Filter building). (14-3-2).

**PUBLIC HEARING:**

- DISAPPROVED
5. REDDINGS, MERRELL - Request for use variance to allow existing four-family residence at 16 Reddings Drive in an R-3 zone. (Two-family residences permitted.) (65-1-42.4).
  - APPROVED
  6. COYMAN, EILEEN - Request for 18 ft. rear yard variance for existing deck at 408 Mt. Airy Road in R-3 zone. (65-1-4).
  - APPROVED
  7. L&M PROPERTIES, LLC - Referred by Planning Board for 0.5 ft. side yard and 16.2 ft. maximum building height to construct an addition to warehouse (Stewart Liner) located on Liner Road in a C zone. (4-1-5.1,5.2). Present: Bill Hildreth, L. S.

**REORGANIZE: Election of Officers**

**PAT - 563-4630 (o)**

**562-7107 (h)**

OFFICE OF THE PLANNING BOARD - TOWN  
ORANGE COUNTY, NY

OF NEW WINDSOR

# 2 ZBA-1-27-97

#1 ZBA 1-13-97

SET UP FOR P.H.

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

APPROVED

PLANNING BOARD FILE NUMBER: 96-24

DATE: 4 DEC 96

APPLICANT: L & M PROPERTIES LLC

1 LINER ROAD

NEWBURGH N.Y. 12550

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED \_\_\_\_\_

FOR (~~SUBDIVISION~~ - SITE PLAN) \_\_\_\_\_

LOCATED AT NORTH SIDE LINER RD AT UNION AVE.

ZONE

C


DESCRIPTION OF EXISTING SITE: SEC: 4 BLOCK: 1 LOT: 51 & 52



IS DISAPPROVED ON THE FOLLOWING GROUNDS:

REQUIRES SIDE YARD AND MAX. BUILDING HEIGHT

VARIANCES.

  
MARK D. EDSALL P.E. for  
MICHAEL BABCOCK,  
BUILDING INSPECTOR

\*\*\*\*\*

REQUIREMENTS		PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE <u>C</u>	USE <u>A-4</u>		
MIN. LOT AREA	<u>40,000 SF</u>	<u>3.93 AC.</u>	<u>—</u>
MIN. LOT WIDTH	<u>200 FT</u>	<u>490</u>	<u>—</u>
REQ'D FRONT YD	<u>60 FT</u>	<u>50.7</u>	<u>**</u>
REQ'D SIDE YD.	<u>30 FT</u>	<u>29.5</u>	<u>0.5 FT</u>
REQ'D TOTAL SIDE YD.	<u>70 FT</u>	<u>65.3</u>	<u>**</u>
REQ'D REAR YD.	<u>30 FT</u>	<u>118.2</u>	<u>—</u>
REQ'D FRONTAGE	<u>N/A</u>	<u>—</u>	<u>—</u>
MAX. BLDG. HT. 4" PER FT =	<u>9.83 FT</u>	<u>26</u>	<u>16.2 FT</u>
FLOOR AREA RATIO	<u>0.5</u>	<u>0.19</u>	<u>—</u>
MIN. LIVABLE AREA	<u>N/A</u>	<u>—</u>	<u>—</u>
DEV. COVERAGE	<u>N/A</u> %	<u>—</u> %	<u>—</u> %
O/S PARKING SPACES	<u>33</u>	<u>69</u>	<u>—</u>

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:  
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD  
OF APPEALS. **\*\* PREVIOUS VARIANCE GRANTED**

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

POSSIBLE ZBA REFERRALS:

L & M PROPERTIES SITE PLAN (96-24) LINER ROAD

Mr. William Hildreth appeared before the board for this proposal.

MR. HILDRETH: Yes, they just changed the name because the property has been all in one ownership now.

MR. PETRO: There was a fence around the property, did that fence ever--

MR. HILDRETH: I'll cover that.

MR. PETRO: Okay.

MR. HILDRETH: As the Chairman stated, this is Stewart Liner property located on Liner Road in the C zone, very quickly, the proposal for this amended site plan is for an addition of 5,000 square feet, pardon me, of warehouse behind the existing warehouse. This is amendment to a previously approved site plan back in '94, I believe. At that time, those approvals contained a park and fly use which is now gone, it's not on the site. This site consists of the Stewart Liner operation, the warehouse, and so forth and Thrifty Car Rental. This amended site plan, the amendments, the changes to the site plan consist of a reduction of the total number of parking spaces because the park and fly is gone, however, we still more than exceed the required number even given an addition of 5,000 square feet of warehouse space.

MR. PETRO: Variance is for?

MR. HILDRETH: One more thing about parking before I forget, we show two handicapped spaces which is based upon the total number of required, not the total number available on the site. Variances required as a result of the addition are side yard and building height. There were variances granted to this property in the past for both of those items back when this original one was built, so I don't anticipate any problems because of the practical difficulty, the nature of the

shape of the property and what they are stuck with. As far as the fence goes, there was a fence all the way around it on the east side, it's being developed now, I don't know.

MR. PETRO: Hudson Valley Credit Union.

MR. HILDRETH: Stewart Liner's fence encroached, they have come to a mutual agreement that the adjoining developer is going to replace the fence on Stewart's property and move these two lights back over to Stewart, that will be taken care of, they made a separate arrangement with the adjoining owner.

MR. PETRO: We were talking more I think the fence was put up, was it, without a building permit or was it, did it exceed the height at that time?

MR. BABCOCK: It exceeded the height at the time.

MR. PETRO: There was never a variance.

MR. BABCOCK: Then he came to the board and the board authorized it for screening and landscaping security purposes so.

MR. PETRO: So we did clarify that?

MR. BABCOCK: Yes, that was clarified.

MR. HILDRETH: That had to be prior to the last time I was here because that is the same fence that was here.

MR. BABCOCK: I don't think you were involved, I think it was the owner.

MR. LANDER: It was before, it was before you came in the last time, Bill. The thing was they came in and asked for this fence which exceeded the height allowed in order to secure there vehicles from being vandalized, windshields were being broken, this, that and the other thing and the truth of the matter was it was park and fly which they had no permit for and no, I don't even think they had the state permit. But they came in and got that fence approved and then they had

to come back in with this park and fly thing but now that actually is no longer there.

MR. HILDRETH: It is gone.

MR. LANDER: Proposed 5,000 square feet warehouse addition that is for Arnoff?

MR. HILDRETH: Correct. Basically the entire site is an office.

MR. LANDER: So you are going to house the same thing in that warehouse as you do in the existing 15,000 square foot?

MR. HILDRETH: Absolutely, just making it, there's going to be no accesses, all the access to the new 5,000 square foot addition is going to be inside.

MR. LANDER: Used for this business and not another one, not another park and fly?

MR. HILDRETH: Moving and storage.

MR. BABCOCK: The Thrifty Car Rental office is still on location.

MR. HILDRETH: Still as it was when it was approved two years ago, that is still there, yes.

MR. PETRO: These are strictly for reference to the zoning board, I think once he gets the variances if he does receive them he can come back, we can go over the plans.

MR. DUBALDI: I make a motion we approve the L & M Properties site plan.

MR. STENT: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board approve the L & M site plan on Liner Road. Is there any further discussions from the board members? If not, roll call.

October 23, 1996

6

ROLL CALL

MR. DUBALDI	NO
MR. STENT	NO
MR. LUCAS	NO
MR. LANDER	NO
MR. PETRO	NO

MR. PETRO: You have now been forwarded on to the zoning board for variances that you may require. Once you have received those variances and they are applied to the map, you can be welcomed back to this board for formal review.

MR. HILDRETH: Do I need my paperwork before I can go to the preliminary?

MR. BABCOCK: Yes.

MR. HILDRETH: Thank you.

**ZONING BOARD OF APPEALS**  
**Reorganizational Meeting**  
**January 13, 1997**

**AGENDA:**

**7:30 P.M.-ROLL CALL**

**Motion to adopt minutes of 12/9/96 meeting as written.**

**PRELIMINARY MEETING:**

*SET UP FOR P.H.*

1. TARSIO, JANINE - Request for 22 ft. rear yard variance for existing pool deck at 216 Dairy Lane in CL zone. (78-11-2). ✓

*SET UP FOR P.H.*

2. AMOIA REALTY - Referred by Planning Board for use variance for truck repair garage on e/s of Ruscitti Road in a PI zone. Use not permitted. (18-1-14.1). ✓

*SET UP FOR P.H.*

3. L&M PROPERTIES, INC. - Referred by Planning Board for 0.5 ft. side yard and 16.2 ft. maximum building height to construct an addition to warehouse (Stewart Liner) located on Liner Road in a C zone. (4-1-5.1, 5.2). Present: Bill Hildreth, L.S. ✓

**PUBLIC HEARING:**

*APPROVED*

4. ANDREWS, RICHARD & RUTH - Request for 15 ft. front yard variance for existing porch located at 17 Canterbury Lane in R-3 zone. (50-2-13). ✓

~~REMOVED~~ *NO SHOW*

5. NUCIFORE, THOMAS - Request for 8 ft. rear yard variance for existing shed at 77 Creamery Drive in a CL-1 zone. (78-7-3). ✓

*APPROVED*

6. PRUDENTI, ELIZABETH/REED, BARBARA - Request for 1 ft. max. fence height variance and variation of Sec. 48-14C(1)(c)[1] of the Supp. Yard Regs. for existing fence at 76 Guernsey Drive in CL-1 zone. (80-1-28). ✓

**REORGANIZE:** Election of Officers: Chairman, Vice Chairman, Attorney, Secretary.

**FORMAL DECISIONS:** (1) Devitt/Royal Pools

(2) Ernenwein (Rosenbaum's)

(3) Cuttica

(4) Panella

(5) KWG Realty

*APPROVED*

PAT - 563-4630 (o)  
 562-7107 (h)



**McGOEY, HAUSER and EDSALL**  
**CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

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**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS**

**REVIEW NAME:** L & M PROPERTIES SITE PLAN  
(FORMERLY ARNOFF)  
**PROJECT LOCATION:** ONE LINER ROAD (AT UNION AVENUE)  
SECTION 4-BLOCK 1-LOTS 5.1 AND 5.2  
**PROJECT NUMBER:** 96-24  
**DATE:** 23 OCTOBER 1996  
**DESCRIPTION:** THE APPLICATION PROPOSES A 5,000 +/- SQUARE FOOT  
WAREHOUSE ADDITION TO AN EXISTING BUILDING ON  
THE PROPERTY. THE PLAN WAS REVIEWED ON A  
CONCEPT BASIS ONLY.

1. The property is located within the "C" Zoning District. The Board should confirm that the use is properly classified as Use A-4. Based on this classification, it would appear that the plan complies with all the bulk criteria, with the exception of the need for a variance for side yard setback for the proposed addition, as well as a building height variance for this building, related to this new setback.
2. At this time I would recommend that the Board refer this plan to the Zoning Board of Appeals for necessary action. Once the Applicant receives the necessary variances, and they return to the Planning Board, further detailed reviews can be made, as deemed appropriate by the Planning Board.

Respectfully submitted,

  
Mark J. Edsall, P.E.  
Planning Board Engineer

MJEmk

A:L&M.mk

RESULTS OF P.B. MEETING

DATE: October 23, 1996

PROJECT NAME: L & M Properties (Arroyo) PROJECT NUMBER 96-24

\*\*\*\*\*

LEAD AGENCY:

\* NEGATIVE DEC:

M)\_\_\_ S)\_\_\_ VOTE: A\_\_\_ N\_\_\_

\* M)\_\_\_ S)\_\_\_ VOTE: A\_\_\_ N\_\_\_

CARRIED: YES\_\_\_ NO\_\_\_

\* CARRIED: YES:\_\_\_ NO\_\_\_

\*\*\*\*\*

PUBLIC HEARING: M)\_\_\_ S)\_\_\_ VOTE: A\_\_\_ N\_\_\_

WAIVED: YES\_\_\_ NO\_\_\_

SEND TO OR. CO. PLANNING: M)\_\_\_ S)\_\_\_ VOTE: A\_\_\_ N\_\_\_ YES\_\_\_ NO\_\_\_

SEND TO DEPT. OF TRANSPORT: M)\_\_\_ S)\_\_\_ VOTE: A\_\_\_ N\_\_\_ YES\_\_\_ NO\_\_\_

DISAPP: REFER TO Z.B.A.: M) 0 S) 5 VOTE: A 5 N 0 YES ☒ NO\_\_\_

RETURN TO WORK SHOP: YES\_\_\_ NO\_\_\_

APPROVAL:

M)\_\_\_ S)\_\_\_ VOTE: A\_\_\_ N\_\_\_ APPROVED:\_\_\_

M)\_\_\_ S)\_\_\_ VOTE: A\_\_\_ N\_\_\_ APPR. CONDITIONALLY:\_\_\_

NEED NEW PLANS: YES\_\_\_ NO\_\_\_

DISCUSSION/APPROVAL CONDITIONS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# MEMO

To: Town Planning Board

From: Town Fire Inspector

Subject: L & M Properties, LLC

Date: 15 October 1996

Planning Board Reference Number: PB-96-24

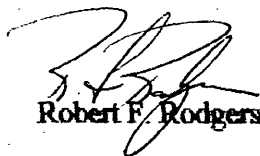
Dated: 7 October 1996

Fire Prevention Reference Number: FPS-96-047

A review of the above referenced subject site plan was conducted on 11 October 1996.

This site plan is acceptable.

Plans Dated: 25 September 1996.



Robert F. Rodgers, C.C.A.

RFR/dh



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

RECEIVED

OCT 11 1996

N.W. HIGHWAY DEPT.

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 96 - 24

DATE PLAN RECEIVED: RECEIVED OCT 7 1996

The maps and plans for the Site Approval ✓

Subdivision \_\_\_\_\_ as submitted by

\_\_\_\_\_ for the building or subdivision of

\_\_\_\_\_ has been

reviewed by me and is approved ✓

disapproved \_\_\_\_\_.

If disapproved, please list reason \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*[Signature]* 10/11/96  
HIGHWAY SUPERINTENDENT DATE

\_\_\_\_\_  
WATER SUPERINTENDENT DATE

\_\_\_\_\_  
SANITARY SUPERINTENDENT DATE



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 96- 24

DATE PLAN RECEIVED: RECEIVED OCT 7 1996

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision \_\_\_\_\_ as submitted by

\_\_\_\_\_ for the building or subdivision of

L & M Properties has been

reviewed by me and is approved L

disapproved \_\_\_\_\_.

If ~~disapproved~~, please list reason \_\_\_\_\_

Town water is servicing this property -  
call water dept. for further info.

HIGHWAY SUPERINTENDENT DATE

Steve D.D. Adams 10-11-96  
WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.

- ☐ Main Office  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640
- ☐ Branch Office  
400 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

**PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE**

1-3

TOWN/VILLAGE OF

New Windsor

P/B #

96 - 24

WORK SESSION DATE:

16 Oct 96

APPLICANT RESUB.

REQUIRED:

Full App

REAPPEARANCE AT W/S REQUESTED:

No

PROJECT NAME:

Arnoff

PROJECT STATUS:

NEW

X

OLD

REPRESENTATIVE PRESENT:

Bill Cilibeth

MUNIC REPS PRESENT:

BLDG INSP.

?

FIRE INSP.

Rid

ENGINEER

X

PLANNER

P/B CHMN.

OTHER (Specify)

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- need variances for side yard setback and bldg height
- 50 x 100' addition
- removing parking (keep thrifty rental)
- some spaces used for Thrifty rental: not considered in # for Or spaces.

next avail agenda

4MJ91 pbwsform



McGOEY, HAUSER and EDSALL  
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**PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE**

TOWN/VILLAGE OF New Windsor P/B # **96 - 24**  
WORK SESSION DATE: 4 Sept 96 APPLICANT RESUB.  
REAPPEARANCE AT W/S REQUESTED: Yes REQUIRED: Full App  
PROJECT NAME: Airport Mover  
PROJECT STATUS: NEW x OLD \_\_\_\_\_  
REPRESENTATIVE PRESENT: Duke Miller  
MUNIC REPS PRESENT: BLDG INSP. ?  
FIRE INSP. LS  
ENGINEER x  
PLANNER \_\_\_\_\_  
P/B CHMN. \_\_\_\_\_  
OTHER (Specify) \_\_\_\_\_

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

Uncon Ave  
(94-26 old app)  
must maintain 30' side yard.  
10' max height w/ 30' Variances  
new parking calc.  
new parking layout

4MJE91 pbwsform



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.

ARNOFF ☐ Main Office  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640  
☐ Branch Office  
400 Broad Street  
Milford, Pennsylvania 18337  
(717) 296-2765

**PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE**

TOWN/VILLAGE OF New Windsor P/B # 96 -24  
WORK SESSION DATE: 4 Sept 96 APPLICANT RESUB.  
REAPPEARANCE AT W/S REQUESTED: Yes REQUIRED: Full App  
PROJECT NAME: Arnoff Moving  
PROJECT STATUS: NEW no OLD \_\_\_\_\_  
REPRESENTATIVE PRESENT: Duke Miller  
MUNIC REPS PRESENT: BLDG INSP. ?  
FIRE INSP. 6.5  
ENGINEER x  
PLANNER \_\_\_\_\_  
P/B CHMN. \_\_\_\_\_  
OTHER (Specify) \_\_\_\_\_

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

Univ Ave  
(94-26 dlog)  
must maintain 30' side yard.  
10' max bldg ht w/ 30' Variances  
new parking calc.  
new parking layout

4MJE91 pbwsform



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

96-24  
RECEIVED OCT 7 1996  
"XX"

## APPLICATION TO: TOWN OF NEW WINDSOR PLANNING BOARD

176 TYPE OF APPLICATION (check appropriate item):

Subdivision \_\_\_\_\_ Lot Line Chg. \_\_\_\_\_ <sup>AMENDED</sup> Site Plan X Spec. Permit \_\_\_\_\_

L & M PROPERTIES, LLC - FORMERLY ARNOFF

1. Name of Project STEWART LINER TRANSPORTATION CORP - AMENDED SITE PLAN

2. Name of Applicant L & M PROPERTIES, LLC Phone 564-0240

Address 1 LINER ROAD NEWBURGH N.Y. 12550  
(Street No. & Name) (Post Office) (State) (zip)

3. Owner of Record (SAME) Phone (SAME)

Address (SAME)  
(Street No. & Name) (Post Office) (State) (zip)

4. Person Preparing Plan GREVAS & HILDRETH, L.S., P.C.

Address 33 QUASSAICK AVENUE NEW WINDSOR N.Y. 12553  
(Street No. & Name) (Post Office) (State) (zip)

5. Attorney \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_  
(Street No. & Name) (Post Office) (State) (zip)

6. Person to be notified to represent applicant at Planning Board Meeting GREVAS & HILDRETH, L.S., P.C. Phone 562-8667  
(Name)

7. Project Location: On the NORTH side of LINER ROAD  
feet AT UNION AVENUE  
(direction) (street)

8. Project Data: Acreage of Parcel 3.93 Zone C  
School Dist. NCSD

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Y \_\_\_\_\_ N X

If you answer "yes" to question 9, please complete the attached Agricultural Data Statement.

10. Tax Map Designation: Section 4 Block 1 Lot 5.1 / 5.2  
11. General Description of Project: SITE PLAN APPROVAL FOR  
ADDITION OF 5000 SQ. FT. OF WAREHOUSE SPACE

12. Has the Zoning Board of Appeals granted any variances for this property? ☒ yes ☐ no.

13. Has a Special Permit previously been granted for this property? ☐ yes ☒ no.

ACKNOWLEDGEMENT:

If this acknowledgement is completed by anyone other than the property owner, a separate notarized statement from the owner must be submitted, authorizing this application.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application and supporting documents and drawings are true and accurate to the best of his/her knowledge and/or belief. The applicant further acknowledges responsibility to the Town for all fees and costs associated with the review of this application.

Sworn before me this

26<sup>th</sup> day of Sept. 1996

David M. Gartland

Notary Public

Michael Dorf  
Applicant's Signature

DAVID M. GARTLAND  
Notary Public, State of New York  
No. 4794849  
Qualified in Dutchess County  
Commission Expires Sept. 30, 1997

\*\*\*\*\*

TOWN USE ONLY:

RECEIVED OCT 7 1996

Date Application Received

96 - 24

96-244

Application Number



APPLICANT'S PROXY STATEMENT  
(for professional representation)

for submittal to the  
TOWN OF NEW WINDSOR PLANNING BOARD

Michael Arnoff, deposes and says that he  
(Applicant)

resides at 24 Stonehedge Drive Bynkersville  
(Applicant's Address)

in the County of Dutchess

and State of New York.

and that he is the applicant for the L & M PROPERTIES, LLC - FORMERLY  
ARNOFF STEWART LINER TRANSPORTATION CORP. AMENDED SITE PLAN  
(Project Name and Description)

which is the premises described in the foregoing application and

that he has authorized GREVAS & HINDRETH, L.S., P.C.  
(Professional Representative)

to make the foregoing application as described therein.

Date: 9/24/96.

[Signature]  
(Owner's Signature)  
[Signature]  
(Witness' Signature)

THIS FORM CANNOT BE WITNESSED BY THE PERSON OR REPRESENTATIVE OF  
THE COMPANY WHO IS BEING AUTHORIZED TO REPRESENT THE APPLICANT  
AND/OR OWNER AT THE MEETINGS.

If applicable "XX"

TOWN OF NEW WINDSOR PLANNING BOARD  
SITE PLAN CHECKLIST

ITEM

1. ☒ Site Plan Title
2. ☒ Applicant's Name(s)
3. ☒ Applicant's Address(es)
4. ☒ Site Plan Preparer's Name
5. ☒ Site Plan Preparer's Address
6. ☒ Drawing Date
7. ☒ Revision Dates
8. ☒ Area Map Inset
9. ☒ Site Designation
10. ☒ Properties Within 500' of Site
11. ☒ Property Owners (Item #10)
12. ☒ Plot Plan
13. ☒ Scale (1" = 50' or lesser)
14. ☒ Metes and Bounds
15. ☒ Zoning Designation
16. ☒ North Arrow
17. ☒ Abutting Property Owners
18. ☒ Existing Building Locations
19. ☒ Existing Paved Areas
20. ☒ Existing Vegetation
21. ☒ Existing Access & Egress

PROPOSED IMPROVEMENTS

22. ☒ Landscaping
23. ☒ Exterior Lighting
24. ☒ Screening
25. ☒ Access & Egress
26. ☒ Parking Areas
27. ☒ Loading Areas
28. ☒ Paving Details  
(Items 25-27)

29. ☒ Curbing Locations
30. ☒ Curbing Through Section
31. ☒ Catch Basin Locations
32. ☒ Catch Basin Through Section
33. ☒ Storm Drainage
34. ☒ Refuse Storage
35. ☒ Other Outdoor Storage
36. ☒ Water Supply
37. ☒ Sanitary Disposal System
38. ☒ Fire Hydrants
39. ☒ Building Locations
40. ☒ Building Setbacks
41. ☒ Front Building Elevations
42. ☒ Divisions of Occupancy
43. ☒ Sign Details
44. ☒ Bulk Table Inset
45. ☒ Property Area (Nearest  
100 sq. ft.)
46. ☒ Building Coverage (sq. ft.)
47. ☒ Building Coverage (% of  
Total Area)
48. ☒ Pavement Coverage (sq. ft.)
49. ☒ Pavement Coverage (% of  
Total Area)
50. ☒ Open Space (sq. ft.)
51. ☒ Open Space (% of Total Area)
52. ☒ No. of Parking Spaces Prop.
53. ☒ No. of Parking Spaces Req.

\* ALL EXISTING FEATURES - NO IMPROVEMENTS PROPOSED

RECEIVED OCT 7 1996

REFERRING TO QUESTION 9 ON THE APPLICATION FORM, "IS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

54. N/A Referral to Orange County Planning Dept. required for all applicants filing AD Statement.
55. N/A A Disclosure Statement, in the form set below must be inscribed on all site plan maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

"Prior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasor shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors."

This list is provided as a guide only and is for the convenience of the applicant. the Town of Ne Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGEMENT:

The Site Plan has been prepared in accordance with the checklist and the Town of New Windsor Ordinances, to the best of my knowledge

By: William B. Kildred, L.S.  
Licensed Professional

Date: 26 SEPTEMBER 1996

## ATTACHMENTS

A. Flood Hazard Area Development Permit Application Form.

B. Certificate of Compliance ☒

PLEASE NOTE: IF PROPERTY IS NOT IN A FLOOD ZONE, PLEASE INDICATE THAT ON THIS FORM AND SIGN YOUR NAME. RETURN FORM WITH PLANNING BOARD APPLICATION.

IF PROPERTY IS LOCATED IN A FLOOD ZONE, PLEASE COMPLETE THE ATTACHED (LEGAL SIZE) PAPERS AND RETURN WITH PLANNING BOARD APPLICATION.

*THIS PROPERTY IS NOT LOCATED IN A FLOOD ZONE*

*William B. Hildreth, U.S.*

PROJECT I.D. NUMBER

617.21

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM  
For UNLISTED ACTIONS Only

## PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT (SPONSOR) <b>L &amp; M PROPERTIES, LLC</b>	2. PROJECT NAME <b>L &amp; M PROPERTIES, LLC - FORMERLY ARNOFF STEWART LINER TRANSPORTATION CORP - AMENDED SITE PLAN</b>
3. PROJECT LOCATION: Municipality <b>TOWN OF NEW WINDSOR</b> County <b>ORANGE</b>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <b>NORTH SIDE OF LINER ROAD AT UNION AVENUE (1 LINER ROAD) TAX MAP SECTION 4 BLOCK 1 LOTS 5.1 AND 5.2</b>	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <b>ADDITION OF 5000 SQUARE FEET OF WAREHOUSE SPACE</b>	
7. AMOUNT OF LAND AFFECTED: Initially <b>3.93</b> acres Ultimately <b>3.93</b> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly <b>VARIANCE FOR SIDE YARD SET BACK AND BUILDING HEIGHT NEEDED</b>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals <b>TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS VARIANCES FOR SIDE YARD SET BACK AND BUILDING HEIGHT</b>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No <b>N/A</b>	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <b>L &amp; M PROPERTIES, LLC</b>	Date: <b>9/26/96</b>
Signature: <b>William B. Fiddler L.S. (PREPARER)</b>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

<b>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12?</b> If yes, coordinate the review process and use the FULL EAF.	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?</b> If No, a negative declaration may be superseded by another involved agency.	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</b>	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:	
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:	
<b>D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</b>	
<input type="checkbox"/> Yes <input type="checkbox"/> No    If Yes, explain briefly	

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- ☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

---

Name of Lead Agency

---

Print or Type Name of Responsible Officer in Lead Agency

---

Title of Responsible Officer

---

Signature of Responsible Officer in Lead Agency

---

Signature of Preparer (if different from responsible officer)

---

Date